



Appeal Decision

Site visit made on 8 September 2025

by **Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 October 2025

Appeal A: Ref: APP/W1715/D/25/3370921

Derry Dacy, Peewit Hill, Bursledon, Southampton SO31 8BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Joe Dorrington against the decision of Eastleigh Borough Council.
 - The application Ref. is X/25/99320.
 - The application sought planning permission for side and rear extensions and raising of roof to provide first floor accommodation along with temporary changes to existing ground levels (Part Retrospective) without complying with a condition attached to planning permission Ref. H/24/98601 dated 10 April 2025.
 - The condition in dispute is No. 9 which states that: *'Within 12 months of this planning approval, the temporary site access which has been constructed at the end of Peewit Hill shall be removed and land restored to its original condition, including replacement boundary planting in accordance with a reinstatement and landscape plan which has first been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in accordance with the approved plan. Replacement landscaping shall be maintained for a minimum period of ten years. Any trees, shrubs, or plants that die, are removed, or become seriously damaged or diseased within this period shall be replaced in the next planting season with specimens of equivalent size, species, and maturity. No further tree or vegetation removal shall occur without prior written approval from the Local Planning Authority'.*
 - The reason given for the condition is *'In the interests of the visual amenity of the locality'.*
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Appeal B: Ref: APP/W1715/D/25/3370922

Derry Dacy, Peewit Hill, Bursledon, Southampton SO31 8BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Joe Dorrington against the decision of Eastleigh Borough Council.
 - The application Ref. is X/25/99319.
 - The application sought planning permission for side and rear extensions and raising of roof to provide first floor accommodation along with temporary changes to existing ground levels without complying with a condition attached to planning permission Ref. H/24/98601 dated 10 April 2025.
 - The condition in dispute is No. 10 which states that: *'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no additional extensions, outbuildings, dormer windows, or alterations to the roof of the dwelling hereby approved shall be carried out without the prior written consent of the Local Planning Authority.'*
 - The reason given for the condition is *'To protect the amenities of the locality and to maintain a good quality environment'.*
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Application for Costs

1. An application for costs was made by Mr Joe Dorrington against Eastleigh Borough Council for both Appeal A & Appeal B. These applications are the subject of separate Decisions.

Decision

2. Appeals A and B are dismissed.

Main Issue

3. The main issue in Appeals A and B is whether the disputed conditions are necessary and reasonable to safeguard the rural character and appearance of the area and its role as a 'Settlement Gap' within the countryside.

Background

4. Derry Dacy is an existing dwelling on the site, and benefits from permission, Ref. H/24/98601 dated 10 April 2025 for: *'Side and rear Extensions and raising of roof to provide first floor accommodation along with temporary changes to existing ground levels (Part Retrospective)'*. The disputed conditions in that permission are in respect of Appeal A, condition no. 9 (the removal of the temporary access within 12 months) and as regards Appeal B, condition no.10 (withdrawal of permitted development rights), in both cases as set out fully in the above bullet point headings.

Reasons

BACKGROUND

5. In both appeals Policies S5, S6, DM1 & DM26 of the Eastleigh Borough Local Plan (2016-2036) Adopted April 2022 ('the Local Plan') are referred to, with additional references to the Council's Quality Places Supplementary Planning Document (2011) and to Government policy in the National Planning Policy Framework revised December 2024 ('the Framework').
6. The relevance of and need for the Local Plan policies are reflected in the Notices of Refusal, with the Appeal A application decision referring to *'urbanisation and potential subdivision of the site, undermining the rural character and landscape integrity of the area'* and the Appeal B application decision citing *'the potential for cumulative and uncontrolled additions harmful to the rural character, appearance, and openness of the area'*.
7. At my visit to Derry Dacy and its surroundings, I was able to assess its context. The site lies within an area of land forming part of the settlement gap between Hedge End and Bursledon as cited in Local Plan Policy S6, item g. The site is accessed from Peewit Hill, a narrow rural lane from the A27 and terminating as a dead end adjacent to a slip road for the M27. From the A27 junction Peewit Hill provides, in turn, access to residential development in the form of a crescent of a couple of dozen mid-C20th two-storey houses; a field - possibly in equestrian use, and finally Longacre and Glendale, both chalet bungalows.
8. Derry Dacy is the neighbouring dwelling to Glendale on its eastern flank, and the two dwellings are positioned alongside one another and thereby set back the same distance from Peewit Hill. The area defined as the curtilage of Derry Dacy in the

original application for extensions, Ref. H/24/98601, extends the full width of the land between the boundaries with Glendale and the M27 slip road.

APPEAL A

9. Both the Site Plan (Drawing No. 52 Rev. A) and the Landscape Plan (Drawing No. 61 - submitted pursuant to condition no. 5 of the permission) show the first 40% or thereabouts of the site from the boundary with Glendale to be used for access, parking, and a garden. A new native hedge and tree planting on the eastern flank will separate this area from 'wild meadow flower planting' in the larger and open area up to the boundary with the M27 slip road.
10. The appellant argues that the access in condition no. 9 has been constructed under permitted development rights as 'permanent' and is not relevant to the proposed development. However, the access does cross the residential site boundary at the end of Peewit Hill as defined by the curtilage red line on the approved plans of the application. And although not shown on these plans, from the evidence before me including observation of comings and goings on my visit, it is clearly being used for construction traffic associated with the alterations and additions to the building. Bearing in mind that the dwelling already had its own individual domestic access, it is clear that the new access and the form that it takes is primarily related to the building works associated with the permission. However, I also note that it was recently used for access to the site when it was being used by construction vehicles builders' compound for a new cycle route approved by the County Highways Authority.
11. With its large area of tarmac, close boarded boundary fencing and metallic mesh double gates I agree with the Council's view that the existing access is far too large for the sensitive setting of a swathe of attractive and open countryside between Derry Dacy and the M27. As the Officer's Report says, the access is 'overly engineered' causing visual harm and a loss of landscape character in the settlement gap.
12. With that said, I differ from the Council insofar as I do not necessarily equate the implementation of the condition as worded, with the principle of a permanent removal of access at this point. This is because the disputed condition refers to 'a reinstatement and landscape plan'. That plan, Drawing No. 61 and dated 6 August 2025, is on the appeal file as the means of discharging condition no. 5 and includes the note '*Existing access in red to be reduced to a field access only*'. The width shown is no greater than that of the domestic access to Derry Dacy and there is supporting confirmation of new tree and hedge planting immediately adjacent to the opening. In addition, the plan explains that the hardstanding will be reduced to only 5 square metres.
13. I acknowledge that the Council in imposing condition no. 9 had the intention of a full reinstatement of the boundary. However, for the reasons explained below I consider that the retention of the condition in tandem with the post-decision response to condition no. 5 achieves the Council's objectives. Furthermore, it concurs with my view that a quite different access would be acceptable and that details of its size and appearance should be agreed at this stage. In procedural terms the position is that the Council would not be enforcing its full remit within condition 9 as regards closure because the appellant has now provided details of the access to be built under the GPDO with accompanying landscaping as

envisaged in the condition. And with the benefit of having seen these details in this appeal I consider the proposed landscaping to be satisfactory.

14. The proposed flower meadow will need to be maintained and an access for the limited scale and amount of machinery required to do this is appropriate (the gap from the rear garden through the proposed new boundary is essentially inaccessible for such equipment). Nor do I give credence to the Council's fears that a field access in the form of a short break in the proposed boundary hedge would in some way facilitate the future development of this part of the site. It is the more substantive considerations relating to the impact of any development on the Settlement Gap and the landscape of the site that would be the main determinants of any such proposal.
15. The Council might reasonably require some additional detailing on the submitted Landscape Plan, perhaps including annotation of a wooden or metal field gate of the traditional design, as this would reinforce the rural character of the lane and deter trespass into the meadow. However, I can see no reasonable objection to the appellant complying with condition no. 9 to remove the harm caused by the 'temporary' access and replacing it with a new and permanent one on the lines indicated in the Landscape drawing and indeed in principle permitted under Schedule 2, Part 2, Class B of the GPDO either here or at another point along the same boundary.
16. For these reasons Appeal A fails and it is necessary and reasonable for condition no. 9 to remain as part of the original permission to ensure that the alterations and additions to Derry Dacy are compliant with the policies and documents referred to in paragraph 5 above. For the avoidance of doubt, I consider that the condition satisfies not only reasonableness and necessity but also the other four tests for conditions in paragraph 57 of the Framework.

APPEAL B

17. Appeal B relates to condition no. 10 which withdraws permitted development rights for additional extensions, outbuildings, dormer windows, or alterations to the roof of the dwelling. The grounds of appeal draw my attention to the various sources of Government advice which strongly discourage such a condition, and I have taken this into account.
18. At the time of my visit the development with its various extensions had been largely completed. In my view the combination of its scale and design, in particular the large area of hipped roof with its plethora of dormers and rooflights, does draw the eye in views from Peewit Hill and with a somewhat negative perception. This is despite the favourable assessment by Officers in the report, but in fairness my reservations are in part due to the current relative openness of the site through the absence of landscaping and, put simply, the 'newness' of the extended building. In due course and with boundary planting and other landscaping the dwelling will become more in keeping with its setting.
19. Be that as it may, the position of the building as the last dwelling on Peewit Hill and on the edge of the open area of the Settlement Gap does necessitate some caution and restraint as regards further increases in its size. I have also taken into account that the retention of the existing large outbuilding to the rear increases still further the amount of built form on the site. With all this in mind I consider that along with

the alterations and additions already made, further extensions to the dwelling under permitted development rights would potentially cause material harm to the character and appearance of Derry Dacy and its setting of open land and pleasing landscape character that forms this part of the Settlement Gap.

20. Without resiling from my appraisal above as regards the dwelling, the far more significant factor in exceptionally supporting a condition that withdraws permitted development rights is the potential for outbuildings within the extensive area of the curtilage earmarked for the flower meadow. This area extends up to Peewit Hill boundary and is therefore clearly visible in the public realm and is of a size that might reasonably be described as forming an important part of the Settlement Gap and affecting the rural character of the landscape.
21. Bearing in mind the substantial Class E height allowances for buildings with a dual pitched roof and for their ground coverage, I find on balance that, as with Appeal A, the condition is necessary and reasonable. This is to prevent potential harm from development insofar as further built form of a material extent would inevitably erode the settlement gap, both actual and as perceived, in conflict with adopted policy. And as with condition no. 9, I consider that condition no. 10 satisfies all six tests in the Framework.
22. For these reasons Appeal B fails and it is necessary and reasonable for condition no. 10 to remain as part of the original permission to ensure that Derry Dacy has compliance with the policies and documents referred to in paragraph 5 above. Again, for the avoidance of doubt, I consider that the condition satisfies not only reasonableness and necessity but also the other tests for conditions in paragraph 57 of the Framework and in the PPG.

Conclusion

23. For the reasons explained above, and having had regard to all other matters raised, both Appeals A and B are dismissed.

Martin Andrews

INSPECTOR